

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
CONSTRUCTION DIVISION MEMORANDUM

GENERAL SUBJECT:	CONTRACTOR'S PERFORMANCE EVALUATIONS (Form C-36, Form C- 36 Interim and Form C-36S)	NUMBER:	CD-2002-8
		DATE:	October 18, 2002
SPECIFIC SUBJECT:	COMPLETION & SUBMITTAL INSTRUCTIONS	SUPERSEDES:	CD-2001-3
		SUNSET/ EXPIRES:	December 31, 2007

Original w/Signature on file in Construction Division

C. F. GEE
CHIEF OF OPERATIONS

DIRECTED TO - DISTRICT ADMINISTRATORS

General Statement:

The Department is responsible for ensuring that only qualified Contractors are permitted to participate in the construction program. This responsibility is specified in Section 102.01 of the *Road and Bridge Specifications Book* and in the Department's prequalification policy.

The Contractor's Performance Report , Form C-36 is one indicator in assessing appropriate qualification. These instructions are detailed to fairly and accurately score the C-36, C-36 interim and C-36S Subcontractor and submit in a timely manner, including the number of submittals that are required given the project timeframes.

Timeline for minimum submittals

Form C-36 Annual and Final Form is due:

- at the **end of each construction season**. For this purpose, November 1st has been established as the end of the construction season, unless final form will be completed within 60 days of the annual due date. (Calendar year 2002 annual Form C-36 reports will remain due on the anniversary of the beginning of construction.)
- if the project is of **shorter duration than 1 year**, the C-36 must be filled out at the **end of the project**.

Form C-36 Interim:

- is due as **mutually agreed upon** at the preconstruction meeting, but **no less than once a year**.

Form C-36S Subcontractors (applicable when work exceeds **\$50,000**)

- is due when the subcontract work is **complete**.

Established Scoring Criteria

The following is a *guide* to interpret the Contractor's performance.

The score must be based on the Contractor's performance of each element where values were established at the beginning of the project.

This chart is not intended to be used as a target during the evaluation, but merely a tool to relate values to various levels of performance.

MIN%	TO	MAX %	RATING	COMMENTS
100		110	Exceptional	Near perfect work plus bonus points awarded
90		99	Excellent	Consistently meets and often exceeds contract requirements. Stays on schedule, adept at change management, excellent cooperation with Engineer.
80		89	Good	Consistently meets and occasionally exceeds contract requirements with minimum rework necessary.
70		79	Fair	Only meets minimum contract requirements. May need to perform some rework.
60		69	Poor	Performance is inconsistent. Must often perform rework. Has been notified about being behind schedule. Three scores in this range in a 24 month period will disqualify the Contractor.
0		59	Unacceptable	Performance is below what is expected of an experienced firm. Contractor must often perform rework. Disregards contract requirements, work site or work zone safety, environmental controls, or directions issued by the Engineer. One score in this range will disqualify the Contractor.

Form C-36 Interim, Project Performance Interim Report -

The initial project performance report to be scored is the G-36, Project Performance Interim Report. At the preconstruction conference, the Project Inspector, Resident Engineer or other Department designee, and the Contractor must agree on the frequency of the Form C-36, and mutually establish the values of the possible scores. The Project Inspector is to complete the G-36 Interim report at the agreed upon intervals.

Prime Contractors should be evaluated with regular frequency, *but not less than once a year*. The frequency of these reports may vary depending on the type of work being performed. The frequency of the G-36 Interim reports may be increased as determined by the Engineer or as requested by the Contractor.

There are five categories A, B, C, D, and E to be evaluated on the C-36 Interim.

- A. Quality
- B. Prosecution
- C. Project Communication
- D. Safety
- E. Environmental

Each category has an associated point value. Each element of each category should be evaluated; however, if a particular element of a category does not apply to a particular project, or does not apply to a particular evaluation period, a score is not entered for that element. The point value "0" is entered on the line designated *Score* and a point value "0" is entered on the line designated *Possible*. An element that is not scored does not impact the Contractor's final score either negatively or positively.

The total point value for each category should be distributed among the elements based on an element's significance to the project. Possible point values for elements must be in whole numbers and the section score should be rounded to the nearest tenth.

The Inspector's remarks portion should contain comments that support the scores. Once completed, the inspector is to review the G36 Interim with the Contractor's representative to discuss the factors that determined each score. The Contractor's representative must be given the opportunity to provide written comments for each category.

The inspector must forward a copy to the Contractor's home office sent to the attention of the officer that signed the contract. C-36 Interim reports are to be maintained at the project site.

The interim scores shall be transferred to the C-36 Contractor's Performance Report when it is due. It is the Resident Engineer's responsibility to ensure the Interim reports are completed according to this policy.

Form C-36, Annual or Final Submission

Section I of the C-36 Contractor's Performance Report summarizes the C-36 Interim Report scores since the last report.

There must be at least one interim score for each C-36. Interim scores are averaged to produce the interim average score that should be recorded to the nearest tenth.

Section II Residency or District Evaluation of the C-36 Contractor's Performance Report contains five categories for evaluation with various subsections.

- A. Quality
- B. Company Management of Project
- C. Communication (Effectiveness and Timeliness)
- D. Safety
- E. Environmental

Section II is to be completed by the Resident Engineer, Asst. Resident Engineer or Project Engineer who was directly involved in the administration of the project. In some instances, such as district-wide contracts, Section II may be completed by a District Representative who was directly involved in the administration of the project.

As with the C-36 Interim, only the applicable categories and elements should be scored.

Category scores for Section II are to be recorded in whole numbers. The Section Score for Section II is to be calculated to the nearest tenth.

Section III Bonus Area is to be completed by the individual that was directly involved in the administration of the project with input from the Project Inspector. Section III is to be used to acknowledge quality that exceeds the minimum standards. This bonus area is designed to benefit a Contractor that consistently exceeds expectations and performs exceptionally in the listed elements. Bonus points may be awarded if a Contractor routinely performs above and beyond normal requirements, is exceptional in attention to and performance of the listed elements, or expends extra time, effort and resources on the listed elements.

Bonus scores for Section III are to be calculated in whole numbers. Bonus points will only be allowed if each category score in Section II equals or exceeds 80% of each maximum point value. A brief explanation of why bonus points are given must be placed in the *bonus* area. If further explanation is necessary it can be placed in the remarks area of Section V.

Section IV Scoring Summary - Enter the computed scores for Sections (I), (II), and (III) and follow the directions to complete scoring, using the value multiplier, round to the nearest tenth and then total.

Section V VDOT Representative's remarks/comments should contain documentation that supports the point values given in the various categories and the bonus section.

Review C-36 with Contractor, Contractor to make comments, sign and return it to the Residency Office. (See Form C-36 Interim procedures)

The Contractor will be offered the opportunity to meet and discuss the evaluation with the Resident Engineer, or the appropriate District Construction Engineer in the case of a dispute with the Resident Engineer.

If the Contractor refuses to sign the evaluation or does not return it within the specified 14 days, this action should be noted on a copy of the C-36 Contractor's Performance Report and submitted to the Assistant State Construction Engineer assigned to the respective district.

When signed by the Contractor, the original C-36 Contractor's Performance Report is to be immediately forwarded to the Assistant State Construction Engineer.

A copy of the C-36 Contractor's Performance Report must be forwarded to the Contractor at the Contractors' home office, attention: signer of the project contract, within 10 days. The original evaluation will be kept on file in the Prequalification Office.

Form C36S Subcontractor's Performance Report

Evaluation of the subcontractor will be made on Form C-36S and must be performed at the completion of the subcontractor's work, except that the C-36S will not be required for sublets of \$50,000 or less.

The Project Inspector should complete the project performance Section I on the C-36S.

The individual that was directly involved in the administration of the project in either the Residency or District should complete the remainder of this form with appropriate input from the inspector.

This report should be completed in a manner similar to the process for the C-36, except that the scores for the elements are predetermined.

The subcontractor's evaluation should be reviewed if possible at the project.

If a subcontractor is no longer at the work site, the completed Form C-36S must be sent by certified mail to the subcontractor's home office.

The subcontractor must return this form to the Department within 14 days of receipt.

A copy of the subcontractor's performance report should also be sent to the prime Contractor's home office.

If the subcontractor does not sign and return the subcontractor's performance report, this action must be noted on a copy of the report, and forwarded to the Assistant State Construction Engineer assigned to the respective district.

The Resident Engineer is responsible for ensuring that the evaluations are completed properly and submitted on time to the Central Office Construction Division.

Unsatisfactory Performance

A Contractor will be removed from the list of prequalified bidders if he receives one score below 60 or three scores in a 24 month period below 70 on a Form C-36 or C36S Performance Report.

The Construction Division will review the Form C-36 or C36S and inform the Contractor when a scoring situation exists that will cause his removal from the list of prequalified bidders.

The Contractor has the right to appeal disqualification due to low evaluation scores.

The Contractor will be given a 30-day appeal period from the date of notification before removal from the list of prequalified bidders.

The Contractor shall provide written notice to the State Construction Engineer for any appeal. The appeals committee will consist of the State Construction Engineer, State Contract Engineer, District Construction Engineer, and an Assistant State Construction Engineer.

If the Contractor elects not to appeal, or the Department's evaluation is upheld after the appeal, the Contractor will be removed from the list of prequalified bidders for a period of 90 days.

The Contractor may continue to submit bids during the appeals process; however, these bids *will not* be awarded if the Department does not reverse the decision to remove from the bidders list.

At the end of the 90-day removal period, if the Contractor wishes to be allowed to bid again the Contractor shall furnish a quality control plan that addresses previous issues that caused the suspension. Prequalification will not be reinstated until the quality control plan has been approved by the Department.

NSG/DWN

C: Mr. Philip A. Shucet
Mr. Claude D. Garver, Jr.
Mr. Malcolm T. Kerley
Commissioners Staff
Division Administrators
District Construction Engineers
District Maintenance Engineers
District Materials Engineers
District Equal Opportunity Managers
District Contract Administrators
Resident Engineers
Project Engineers
Project Inspectors
Federal Highway Administration
Virginia Department of Minority Business Enterprise
Virginia Road and Transportation Builders Association
Old Dominion Highway Contractors Association
Virginia Asphalt Association
Virginia Aggregates Association Inc.
American Concrete Pavement Association
Virginia Ready-Mixed Concrete Association
Precast Concrete Association of Virginia